



***PROPRIETARY MATERIAL NOT OPEN TO PUBLIC.  
TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED  
PATENT AND TRADEMARK OFFICE EMPLOYEE.***

#9

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Steven J. PRESTRELSKI et al.

Title: Microparticle Formulations for  
Sustained-Release of Bioactive  
Compounds

Appl. No.: 09/521,139

Filing Date: 03/08/2000

Examiner: Humeran Sheikh

Art Unit: 1615

**TRANSMITTAL LETTER FOR PROPRIETARY INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.56, 37 C.F.R. § 1.97, and M.P.E.P. § 724.02**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Attached hereto is a Proprietary Information Disclosure Statement submitting proprietary information to the Patent and Trademark Office in accordance with the requirements of 37 C.F.R. §1.56, 37 C.F.R. §1.97, and M.P.E.P. §724.02. Applicants respectfully request that the information be considered only by the Examiner in charge of the above-captioned application, or other authorized Patent and Trademark Office employee.

This Proprietary Information Disclosure Statement is being filed under the provisions of 37 C.F.R. §1.97(c), before the mailing date of either a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application.

02/17/2004 AWONDAF1 00000043 09521139

02 FEB 16 2004

180.00 GP

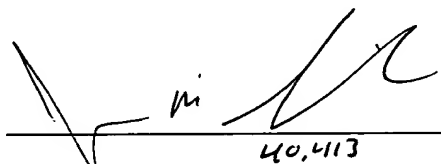
A fee in connection with submission of an information disclosure statement under 37 C.F.R. §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 12 February 2004

FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By   
40,413  
for Richard C. Peet  
Registration No. 35,792  
Michelle Walters  
Registration No. 51,113  
Attorneys for Applicants



**PROPRIETARY MATERIAL NOT OPEN TO PUBLIC.  
TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED  
PATENT AND TRADEMARK OFFICE EMPLOYEE**

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Steven J. PRESTRELSKI et al.  
Title: Microparticle Formulations for  
Sustained-Release of Bioactive  
Compounds  
Appl. No.: 09/521,139  
Filing Date: 3/8/2000  
Examiner: Humeran Sheikh  
Art Unit: 1615

**PROPRIETARY INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.56 AND MPEP §§ 724**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The following is a listing of copending U.S. patent applications which relate to the above-identified application.

<b><u>SERIAL NO.</u></b>	<b><u>FILING DATE</u></b>
10/397,329	03/27/2003
09/922,218	08/03/2001

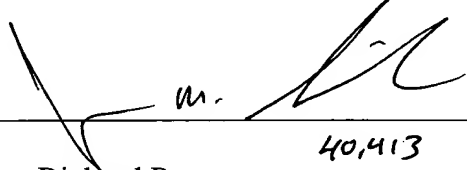
Applicants consider the aforementioned documents and the disclosure of their existence as pending applications to constitute proprietary information. Accompanying this Proprietary Information Disclosure Statement is a transmittal letter indicating that the materials contained herein are proprietary, as required by MPEP § 724.02.

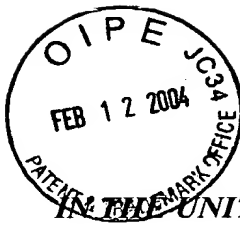
Applicants respectfully request that the Examiner consider the foregoing information and provide in the next official communication the information set forth in MPEP § 724.04(a), particularly the information under item MPEP § 724.04(a)(D), so that the applicants can, if appropriate, subsequently file a petition to expunge those materials, as provided according to MPEP § 724.05.

Respectfully submitted,

Date 12 February 2004

FOLEY & LARDNER  
Customer Number: 27476  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By  40,413  
for Richard Peet  
Registration No. 35,792  
Michelle Walters  
Registration No. 51,113  
Attorneys for Applicant



Atty. Dkt. No. 036481-0128

#9

Applicant: Steven J. PRESTRELSKI et al.

Title: Microparticle Formulations for  
Sustained-Release of Bioactive  
Compounds

Appl. No.: 09/521,139

Filing Date: 03/08/2000

Examiner: Humaran Sheikh

Art Unit: 1615

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**FEE**

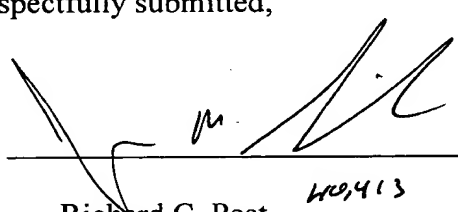
A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 12 February 2004

FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By  \_\_\_\_\_

 Richard C. Peet  
Registration No. 35,792  
Michelle Walters  
Registration No. 51,113  
Attorneys for Applicants